

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of) DOCKET FILE COPY ORIGINAL
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Amendment of Section 73.202(b)) MB Docket No. 05-151
Table of Allotments) RM-11222
FM Broadcast Stations.)
(Llano and Junction, Texas))

To: Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

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Federal Communications Commission
Office of Secretary

COMMENTS

Capstar TX Limited Partnership ("Capstar"), licensee of Station KWTX, Waco, Texas; CCB Texas Licenses, L.P. ("CCB Texas"), licensee of Stations KAJA, San Antonio, Texas and KHFI-FM, Georgetown, Texas; Clear Channel Broadcasting Licenses, Inc., licensee of Station KLFX, Nolanville, Texas; and Rawhide Radio, L.L.C. ("Rawhide"), licensee of Stations KLTO-FM, McQueeney, Texas and KQBT(FM), Llano, Texas (together, "Joint Parties"), jointly by their respective counsel, hereby submit their comments in the above-captioned proceeding.

1. In the *Notice of Proposed Rule Making* (DA 05-766, rel. March 25, 2005) ("*NPRM*"), the Commission proposed the allotment of Channel 297A at Llano, Texas as that community's fourth commercial FM service. The *NPRM* noted that Channel 297A at Llano is mutually exclusive with a request for Channel 297A at Goldthwaite, Texas, (MM Docket No. 01-154), which has been dismissed but remains pending before the Commission on Application for Review. Nevertheless, the Commission stated that consideration of the Llano proposal is proper under *Auburn, Alabama, et al.*, 18 FCC Rcd 10333 (2003).

2. The *NPRM* failed to note that the Llano proposal is also mutually exclusive with another non-final proceeding, namely, the Joint Parties' proposal in *Quanah, Texas et al.*, 18

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FCC Rcd 9495 (2003). There, the Joint Parties proposed to substitute Channel 297A for Channel 242A at Llano and modify the license of Station KQBT (formerly KBAE) to operate on Channel 297A at Llano. The Joint Parties' proposal is mutually exclusive with the petitioner's proposal in this proceeding because Channel 297A cannot simultaneously serve as Llano's fourth commercial FM service and be allotted to Llano for use by KQBT. The Commission should prefer the Joint Parties' proposal in *Quanah* because it offers first local services at Converse, Lakeway, and Lago Vista, Texas, whereas the petitioner's proposal in this proceeding would provide only a fourth local service at Llano (KITY(FM), KQBT(FM), and Channel 293C3 are all allotted to Llano).

3. Recently, the Commission released another Notice of Proposed Rule Making in MB Docket 05-151 contingent on a final determination in the *Quanah* proceeding. See *Fredericksburg, Texas* (DA 05-706, rel. March 18, 2005). There, the Commission noted that any allotment made in that proceeding would be subject to the final outcome in *Quanah*. *Id.* at n.2. It should have done so in this proceeding as well.

4. The Joint Parties filed a counterproposal in the *Fredericksburg* proceeding. The counterproposal was identical to the portion of the Joint Parties' original proposal in *Quanah* that remains before the Commission on Application for Review. The Joint Parties requested that their counterproposal be considered in *Fredericksburg* if it were dismissed on procedural grounds in *Quanah*; alternatively, the Commission could choose to grant the counterproposal in *Fredericksburg* and render the *Quanah* Application for Review moot.

5. The filing of the *Fredericksburg* counterproposal now means that the Commission should consolidate this proceeding with the *Fredericksburg* proceeding. The two proceedings have become interrelated through the filing of the Joint Parties' counterproposal in

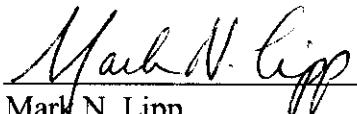
Fredericksburg. See *Perry, Florida et al.*, 4 FCC Rcd 5599 (1989), *recon. granted in part*, 7 FCC Rcd 2557 (1992). This is because action cannot be taken on the Llano allotment in this proceeding until the outcome of the *Fredericksburg* proceeding is known. Specifically, if the Commission grants the Joint Parties' counterproposal, the petitioner's request for a new allotment at Llano on Channel 297A cannot be accommodated. Moreover, the *Fredericksburg* counterproposal is timely to this proceeding, having been filed on May 9, 2005, three days before the comment date in this proceeding.

WHEREFORE, for the foregoing reasons, the Commission should consolidate this proceeding with MB Docket No. 05-112 (*Fredericksburg, Texas*) and take action on the combined proceedings.

Respectfully submitted,

RAWHIDE RADIO, LLC

By:

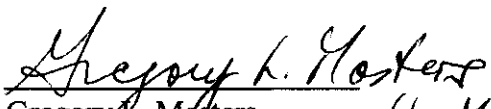

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May 12, 2005

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CERTIFICATE OF SERVICE

I, Giselle Abreu, an executive legal secretary in the law firm of Vinson & Elkins, L.L.P., do hereby certify that I have on this 12th day of May, 2005, caused to be mailed by first class mail, postage prepaid, copies of the foregoing "**Comments**" to the following:

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